

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NO: 2:06-cr-89-WKW
)	
FREEMAN STEVENSON, JR.)	

**MOTION IN LIMINE TO REDACT FROM THE INDICTMENT
AND EXCLUDE ANY EVIDENCE OR TESTIMONY
REGARDING PRIOR FELONY CONVICTIONS, PER *OLD CHIEF***

COMES NOW the Defendant, **FREEMAN STEVENSON, JR.**, by undersigned counsel, and hereby moves *in limine* for an Order directing the United States to refrain from placing any statement, argument, evidence or testimony before the jury concerning Mr. Stevenson's prior felony convictions, with the exception of the stipulated fact that he has been convicted of one felony prior to allegedly possessing the firearm identified in the indictment. *Old Chief v. United States*, 519 U.S. 172 (1997).

In *Old Chief*, the United States Supreme Court held that in a prosecution for possession of a weapon by a convicted felon, if the defendant admits his status as a convicted felon, the government should be barred, under Rule 403, Fed. R. Evid., from introducing evidence about the nature of the prior offense(s). Therefore, once Mr. Stevenson agrees to admit his status as a previously convicted felon, the Government should be barred from offering any evidence or testimony about the date, nature or sentenced received for that offense.

Mr. Stevenson also moves this Court to redact the indictment to reflect one prior

felony conviction on the same authority.

Dated this 6th day of October, 2006.

Respectfully submitted,

s/ Anne E. Borelli

ANNE E. BORELLI

Counsel for Freeman Stevenson

Federal Defenders

201 Monroe Street, Suite 407

Montgomery, Alabama 36104

Phone: (334) 834-2099

Fax: (334) 834-0353

E-mail: anne_borelli@fd.org

AL Bar Code: BOR-016

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NO: 2:05-cr-175-T
)	
MARCUS JABOR ALLS)	

CERTIFICATE OF SERVICE

I hereby certify that on 6th day of October, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Todd Brown, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,
s/ Anne E. Borelli
ANNE E. BORELLI
Counsel for Freeman Stevenson
Federal Defenders
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: anne_borelli@fd.org
AL Bar Code: BOR-016